

## International Chamber of Shipping

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13 April 2017

Mr. Kevin K. McAleenan  
Acting Commissioner  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW  
Washington, DC 20229

Via email: [CBPPublicationsResponse@cbp.dhs.gov](mailto:CBPPublicationsResponse@cbp.dhs.gov)

Dear Mr McAleenan,

**PROPOSED MODIFICATION AND REVOCATION OF RULING LETTERS  
RELATED TO CUSTOMS APPLICATION OF THE JONES ACT TO THE  
TRANSPORTATION OF CERTAIN MERCHANDISE AND EQUIPMENT BETWEEN  
COASTWISE POINTS - Customs Bulletin (Vol. 51, No. 3, at p. 1)**

**Comments by International Chamber of Shipping (ICS)**

1. The International Chamber of Shipping (ICS) is the principal global trade association for shipowners, representing all sectors and trades. ICS membership comprises 37 national shipowners' associations from Asia, the Americas and Europe, some of whose member shipping companies include offshore support vessel (OSV) operators providing services to United States' oil production and exploration companies within the U.S. Outer Continental Shelf (OCS).
2. On 18 January, U.S. Customs and Border Protection (CBP) published a Notice proposing modification and revocation of ruling letters related to the application of U.S. law to transportation of certain merchandise and equipment between coastwise points. This radical proposal, if implemented, would have profound implications for the U.S. oil and gas industry, withdrawing or modifying 25 rulings made by CBP during the previous 40 years.

3. ICS shares the concerns raised by the United States' trading partners as represented by the Consultative Shipping Group (CSG) of Governments including: Belgium, Canada, Denmark, Finland, France, Germany, Greece, Italy, Japan, Republic of Korea, Netherlands, Norway, Poland, Portugal, Singapore, Spain, Sweden, and United Kingdom
4. ICS therefore encourages CBP to take full account of the fact that the U.S oil and gas industry has relied upon these longstanding interpretations for many decades, and that substantial investments toward resources for specialist OSV operations have consequently been made by the economies of the United States' leading trading partners, whose OSV operating companies have committed to providing key services to this vital U.S. industry.
5. ICS also encourages CBP to give careful consideration to the detailed evidence provided by the International Marine Contractors' Association (IMCA) regarding the detrimental impact that these proposed changes would have on the interests of the U.S. oil and gas industry.
6. Most important, however, is the need to take account of the concerns raised by the U.S. oil and gas industry itself as represented by *inter alia* the American Petroleum Institute (API) with respect to how these proposed modifications would have a very negative effect on activities that are essential to the U.S. economy and the national energy security.
7. The impact of these proposed changes on operations in the U.S. OCS would likely be severe and protracted, as the number of U.S. flag coastwise OSVs of the type and specification required is simply too limited to be able to fully meet the current demands of the U.S offshore oil industry.
8. ICS also respectfully notes the recent Executive Order (dated March 28 2017), from the President of the United States, on 'Promoting Energy Independence and Economic Growth'.
9. ICS understands that this EO requires U.S. Government agencies including CBP to immediately review actions that potentially burden safe and efficient development of domestic energy resources, and that the EO defines 'burden' as meaning 'to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources'. ICS suggests – based on the evidence submitted by API and others – that the CBP proposals certainly represent such a 'burden' as defined by this EO.

10. To reiterate, ICS fully concurs with the concerns raised by the U.S. oil and gas industry as represented by API, among others, and urges the CBP to preserve the existing interpretations of these important ruling letters.
11. ICS hopes that these remarks are helpful, and is grateful for this opportunity to submit comments.

Simon Bennett  
Director Policy & External Relations  
International Chamber of Shipping





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Washington, DC 20001  
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www.shipbuilders.org

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April 10, 2017

Via email: CBP-Publication Response@cbp.dhs.gov

Mr. Glen E. Vereb  
Director  
Border Security and Trade Compliance Division  
Office of Trade, Regulations and Rulings  
U.S. Customs and Border Protection

Re: **Proposed Modification and Revocation of Ruling Letters Related to Customs Application of the Jones Act to the Transportation of Certain Merchandise and Equipment between Coastwise Points**

Dear Director Vereb:

As president of the Shipbuilders Council of America (SCA) and on behalf of my board, I write to you in strong support of U.S. Customs and Border Protection (CBP) modification and revocation of flawed letter rulings concerning the application of the Jones Act to offshore operations. This action, initiated after many years of study and review, will create thousands of good-paying American jobs, and affirms the Congressional intent of the Jones Act.

The SCA is the only national trade association representing U.S. shipyards engaged in the repairing and also building of military and other government vessels, commercial vessels, and those companies providing goods and services to the industry. The Council represents 42 companies that own and operate over 80 shipyards, with facilities on all three U.S. coasts, the Great Lakes, the inland waterways system, Alaska and Hawaii. SCA also represents 94 partner and supplier members that provide goods and services to the shipyard industrial base.

If finalized, the revocations announced in the January 18, 2017 Notice will greatly benefit the U.S. shipbuilding industry and our employees and suppliers. We are certain of this fact because we have already seen how proper enforcement of the Jones Act creates domestic markets, in turn, creating jobs in U.S. shipyards.

When CBP offered, and subsequently withdrew, a similar notice it caused the domestic offshore service industry to invest \$2 billion constructing subsea construction/Inspection, maintenance, repair (IMR) vessels—the type of vessels required to complete the work covered by the notice—in our shipyards. As a result, our nation now has one of the most technologically advanced fleets of these specialty vessels, and many of our shipyards have generated the capital necessary to invest in and modernize their respective facilities. Again, those investments were made despite the fact that the 2009 notice was withdrawn by CBP.

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*The national trade association for U.S. shipbuilders, ship repairers, and shipyard suppliers.*

*Founded in 1920*





We are confident that implementation of the 2017 Notice will have a similar result, thereby proving that the Jones Act works and live up to the Act's preamble which states the Act will provide for "the proper growth of [our nation's] foreign and domestic commerce that the United States shall have a merchant marine of the best equipped and most suitable types of vessels."

Additionally, we reiterate that the letter rulings covered by CBP's 2017 Notice are legal interpretations given by CBP of the Jones Act, and is covered by 19 U.S.C. § 1625. This statute specifically governs how CBP must revoke letter rulings. To revoke or modify a letter ruling, CBP is required by 19 U.S.C. §1625(c) to give notice in the *CBP Bulletin* of its intention to revoke and to allow at least 30 days opportunity for comment by the public. CBP must publish a final decision 30 days after the close of the comment period. The statute further requires that the final ruling or decision "shall" become effective 60 days after the date of its publication.

CBP is correct to utilize this congressionally-mandated process and CBP should resist calls for more review or additional study prior to issuing its final decision. Such review and study is not allowed for under the 1625 process, as demonstrated above, and is unnecessary. As indicated above, the 2017 Notice is substantially similar to the 2009 Notice. When that notice was withdrawn, CBP stated a "new notice which will set forth CBP's proposed action relating to the interpretation of T.D. 78-387 and T.D. 49815(4) will be published in the Customs Bulletin in the near future." Thus, all relevant parties have had almost eight years to study, analysis, and react to these changes further delays are unnecessary.

For all of these reasons, we urge you to implement this notice and revoke the letter rulings that are contrary to the statute. We thank you for your thoughtful consideration of this request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Matthew Paxton", is written over the typed name.

Matthew Paxton  
President  
Shipbuilders Council of America

Enclosure: SCA Full Membership List

### SCA Membership List as of April 10, 2017

42 Shipyard Members

94 Partner Members

Company	Type
Advanced Structures Corporation	Partner
Aerotek	Partner
AIT Marine	Partner
Alliance Mechanical Solutions LLC	Partner
alliantgroup	Partner
American Bureau of Shipping (ABS)	Partner
American Equity Underwriters, Inc.	Partner
Ameriforce	Partner
Applied Research Laboratory – Penn State	Partner
Arthur J. Gallagher Risk Management Services	Partner
Austal USA	Shipyard
Avalotis Corporation	Partner
AVEVA, Inc.	Partner
BAE Systems Ship Repair – Norfolk	Shipyard
BAE Systems Southeast Shipyard	Shipyard
Blackstone Advanced Technologies LLC	Partner
Bland and Partners	Partner
Blank Rome LLP	Partner
BMT Designers & Planners, Inc.	Partner
Bollinger Shipyards, LLC	Shipyard
Bowen, Miclette & Britt of Louisiana	Partner
Bruce S. Rosenblatt & Associates, LLC	Partner
Campbell Transportation Company, Inc.	Shipyard
Capitol Integration	Partner
CGNMB (Newman Martin and Buchan Ltd.)	Partner
Chesapeake Shipbuilding Corp.	Shipyard
Clarus Fluid Intelligence, LLC	Partner
Coastal Marine Services, Inc.	Partner
Colonna's Shipyard, Inc.	Shipyard
Conrad Shipyard, L.L.C.	Shipyard
CSD Sealing Systems	Partner
Dakota Creek Industries	Shipyard
Detyens Shipyards, Inc.	Shipyard

Diversified Marine, Inc.	Shipyard
Donjon Shipbuilding & Repair	Shipyard
Dorn Equipment Corp	Partner
Eastern Shipbuilding Group, Inc.	Shipyard
Electric Motor & Contracting Co., Inc.	Partner
ELS, Inc.	Partner
EPMAR	Partner
ERL Commercial Marine Inc.	Partner
ESAB Welding & Cutting Products	Partner
Fairbanks Morse Engine	Partner
Federal Business Group	Partner
Firelce Solutions, LLC	Partner
FMG – Marinette Marine Corporation	Shipyard
Foss Maritime Company	Shipyard
G/O Corporation	Partner
GB Mendenhall	Partner
General Dynamics Bath Iron Works	Shipyard
General Dynamics, MS (formerly AIS)	Partner
General Dynamics NASSCO	Shipyard
General Dynamics NASSCO – Norfolk	Shipyard
General Atomics	Partner
General Electric Marine	Partner
Gibbs & Cox, Inc.	Partner
Gladding-Hearn Shipbuilding	Shipyard
Gulf Marine Repair Corp.	Shipyard
Gunderson Marine LLC	Shipyard
HB Rentals	Partner
Hays Fluid Controls	Partner
Hepburn and Sons	Partner
Hiller Investments Incorporated	Partner
HII- Corporate	Shipyard
HII- Ingalls Shipbuilding	Shipyard
HII- Newport News Shipbuilding	Shipyard
Howden American Fan	Partner
Hurckman Mechanical Industries, Inc.	Partner
IMECO, Inc.	Partner
International Marine and Industrial Applicators, LLC	Partner
International Ship Repair & Marine Services, Inc.	Shipyard



Jackson Lewis	Partner
JAG Industrial & Marine Services	Partner
Jamestown Metal Marine Sales, Inc.	Partner
Jeffboat	Shipyard
Jensen Maritime	Partner
LEECO Steel	Partner
Lockheed Martin Mission Systems and Sensors	Partner
Lockton Insurance Brokers, LLC	Partner
Lyon Shipyard, Inc.	Shipyard
Marisco, Ltd.	Shipyard
Martinez and Turek, Inc.	Partner
Master Boatbuilders, Inc.	Shipyard
MCG Contracting	Partner
Metal Shark Boats (Gravois Aluminum)	Shipyard
Metropolitan Solutions	Partner
MHI Ship Repair (Marine Hydraulics Int.)	Shipyard
Milwaukee Valve Co.	Partner
National Heat Exchange Cleaning Corp.	Partner
National Maintenance & Repair, Inc.	Shipyard
National Maritime Education Council	Partner
Naval Coating, Inc.	Partner
Nelson Stud Welding, Inc.	Partner
Nichols Brothers Boat Builders	Shipyard
Northeast Ship Repair, Inc.	Shipyard
NSC Technologies	Partner
Nucor Bar Mill Group	Partner
On Point, LLC (Ron Ritter)	Partner
Pacific Energy Concepts	Partner
Pacific Ship Repair & Fabrication	Shipyard
Performance Contracting, Inc.	Partner
Philly Shipyard, Inc.	Shipyard
Piedmont Hoist & Crane, Inc.	Partner
Port of San Diego Ship Repair Association	Partner
Puget Sound Ship Repair Association	Partner
Raytheon Integrated Defense Systems	Partner
Robertson, Monagle & Eastaugh (Gilman Associates)	Partner
Robinson and Son	Partner
Rolls-Royce Naval Marine Inc.	Partner

Seven Seas International LLC	Partner
Ship Architects, Inc.	Partner
Ship Repair Association of Hawaii	Partner
Signal Administration, Inc.	Partner
Southern Oregon Marine (SOMAR)	Shipyard
Southwest Shipyard L.P.	Shipyard
Steel of West Virginia, Inc.	Partner
STI Marine	Partner
Suerteska	Partner
Sunbelt Stud Welding, Inc	Partner
SureID (formerly EID Passport)	Partner
TKO Offshore Contractors, LLC	Partner
Talon Electrical & Mechanical Group	Partner
Team Industries, Inc.	Partner
Tecnico	Shipyard
Textron Marine & Land Systems	Shipyard
The Lincoln Electric Company	Partner
The Mensura Companies	Partner
The Miller Law Offices	Partner
THOR Solutions	Partner
Tradesmen International, Inc.	Partner
Tri-Tec Manufacturing	Partner
Triman Industries, Inc.	Partner
Triumph Controls, LLC	Partner
UPF Corporation	Partner
US Joiner LLC	Partner
Victaulic Company	Partner
Viega LLC	Partner
Vigor Industrial LLC	Shipyard
Virginia Ship Repair Association	Partner
VT Halter Marine, Inc.	Shipyard
W&O Supply	Partner
World Marine, LLC	Shipyard



P. O. DRAWER 51789  
LAFAYETTE, LA 70505

CORPORATE HEADQUARTERS  
PHONE (337) 232-8147  
FAX (337) 232-8818

LIFTBOAT OPERATIONS  
PHONE (337) 232-0335  
Fax (337) 856-7380

SUPPLY BOAT OPERATIONS  
PHONE (337) 856-9015  
Fax (337) 856-7380

<http://www.AriesMarine.com>

April 11, 2017

Via email: [Response@cbp.dhs.gov](mailto:Response@cbp.dhs.gov)

Mr. Glen Vereb  
Director  
Border Security and Trade Compliance Division  
Office of Trade, Regulations and Rulings  
U.S. Customs and Border Protection

RE: Letter Ruling Revocation

Dear Mr. Vereb:

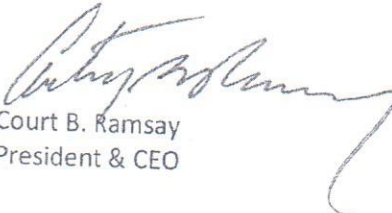
I am writing to express my strong support for Customs and Border Protection's (CBP) above-listed proposed modification and revocation of Jones Act letter rulings. Flawed letter rulings are inconsistent with statutory requirements and have constrained economic opportunity for U.S. companies like mine for too long.

Aries Marine Corporation is based in Lafayette, Louisiana with vessels all along the Gulf Coast and employs over 143; we are a U.S. maritime company working in the offshore energy market.

By taking this corrective action you will be ensuring a healthy business environment for Jones Act employers and assisting in providing many jobs to U.S. citizens.

Thank you for your attention.

Sincerely,



Court B. Ramsay  
President & CEO



# Louisiana



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Louisiana Machinery Company, LLC

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3799 West Airline Highway  
P.O. Drawer 536, Reserve, LA 70084-0536  
Phone (985) 536-1121 Fax (985) 536-4549

April 6, 2017

Via email: [Response@cbp.dhs.gov](mailto:Response@cbp.dhs.gov)

Mr. Glen Vereb  
Director  
Border Security and Trade Compliance Division  
Office of Trade, Regulations and Rulings  
U.S. Customs and Border Protection

Re: **Request for expeditious implementation of the Proposed Modification and Revocation of Ruling Letters Related to Customs Application of the Jones Act to the Transportation of Certain Merchandise and Equipment between Coastwise Points**

Dear Mr. Vereb:

I am writing to express my strong support for Customs and Border Protection's (CBP)'s above-listed proposed modification and revocation of Jones Act letter rulings. These flawed letter rulings are inconsistent with statutory requirements and have constrained economic opportunity for U.S. companies and U.S. workers for too long. Aligning CBP's policy guidance with the law is the right thing to do.

Louisiana Machinery Company, L.L.C. is based in Reserve, LA with facilities in Florida, Oklahoma, and Texas. We employ over 900 employees and we serve as a supplier and service provider to U.S. maritime companies working in the offshore energy market. Specifically, our company is engaged in supplying prime and stand-by power, propulsion systems, telematics, integration, parts and service to these commercial marine companies.

The Jones Act was intended to support a vibrant U.S. maritime industry. By correctly applying and enforcing the Jones Act, CBP will promote the entire supply chain of goods and services that are required to build, maintain, and operate U.S. ships. While we don't build or operate ships ourselves, our company depends on the success U.S. maritime companies. CBP's initiative will result in more opportunities for companies like mine who depend on a strong U.S. maritime industry.

We know the above statement to be true because we have seen proper enforcement of the Jones Act create spur domestic investment and good-paying jobs. Specifically, when CBP issued a similar notice in 2009, it signaled a change in the market place. Due to that notice, U.S. vessel operators invested in the creation of vessels required to complete the work covered by the notice. Our company participated in this effort and assisted in the creation of dozens of vessels that were constructed or retrofitted here in the United States for these purposes. As a result, our company is proof that proper enforcement of the Jones Act creates investments in the U.S. economy.

Thank you for taking this corrective action.

Sincerely,

A handwritten signature in black ink, appearing to read "Troy Matherne".

Troy Matherne  
General Product Support Manager  
Louisiana Machinery Company L.L.C.



April 10, 2017

Via email: [CBPPublicationsResponse@cbp.dhs.gov](mailto:CBPPublicationsResponse@cbp.dhs.gov)

Mr. Glen Vereb  
Director  
Border Security and Trade Compliance Division  
Office of Trade, Regulations and Rulings  
U.S. Customs and Border Protection

**Re: Proposed Modification and Revocation of Ruling Letters Related to Customs Application of the Jones Act to the Transportation of Certain Merchandise and Equipment between Coastwise Points; Request for expeditious implementation of the proposal**

To Whom It May Concern:

On behalf of the 150 employees of MCG Contracting we write to express our support for CBP's proposed modification and revocation of Jones Act letter rulings that are contrary to the statute. The U.S. manpower and shipbuilding industries enjoy a long relationship. We are proud of the asset that our employees have been to U.S. shipbuilders that have constructed Jones Act qualified ships. The impact this ship construction has on our workforce and economy is immense.

Proper interpretation and enforcement of the Jones Act has a direct impact on us. Over the last 13 years we have supplied employees to U.S. shipyards to build Jones Act ships. CBP's proposal encourages further investment in Jones Act compliant vessels. We believe that the legally incorrect interpretation of the Jones Act by CBP over several decades stifled investment in subsea construction vessels. Instead of skilled American labor being used in vessels which support operations on the outer-continental shelf, foreign labor has been used. CBP's course correction is a welcome development and we applaud it.

Very Truly Yours,

MCG Contracting

308 St. Michael Street, Mobile, AL 36602



April 12, 2017

The Honorable John F. Kelly  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Secretary Kelly:

Re: Customs and Border Protection Notice of January 18, 2017 on the Jones Act

It has been brought to my attention that U.S. Customs and Border Protection ("CBP") has issued a Notice through what is known as its *Customs Bulletin* ruling revocation process which if implemented would overturn 40 years of precedent with respect to the application of the Jones Act to vessels and offshore facilities working in the Gulf of Mexico ("GOM"). This ruling, rushed into print two days before President Trump was inaugurated, will have a substantial detrimental effect on jobs and workers in my community. For this reason, I am requesting that you withdraw this ruling because of the huge negative economic impacts on my family, my community and the State of Texas.

There are a number of companies in Houston that rely on highly specialized work to support the oil and gas industry in the GOM. These are American companies employing American workers and paying U.S. federal and state taxes. If the CBP ruling were allowed to go into effect, these companies would have to move out of my district/port/state and go where they can find jobs. This would not only have a negative economic effect on my city but it would also have a negative economic effect on the U.S. and the President's goals for energy independence.

The companies in my community own, operate and invest their own resources in very large vessels that conduct highly specialized activities to support offshore oil and gas projects, including pipe-laying, cable-laying, diving support and heavy-lift crane construction and installation work. While the vessels may be built in foreign shipyards, the workers on these vessels are hard-working Americans who only want to live and contribute to the economy in my community.

In conclusion, I urge DHS and CBP to withdraw the CBP Notice immediately, and should you desire to pursue this issue, that you start over with a the proper process under Notice and Comment rulemaking published in the Federal Register so that all affected companies and communities are able to provide their considered input and require CBP to conduct a full economic impact analysis of the effects of their proposal.

Sincerely,

*Rebecca L. Kent*

Rebecca L. Kent



April 12, 2017

The Honorable John F. Kelly  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Secretary Kelly:

Re: Customs and Border Protection Notice of January 18, 2017 on the Jones Act

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The companies in my community own, operate and invest their own resources in very large vessels that conduct highly specialized activities to support offshore oil and gas projects, including pipe-laying, cable-laying, diving support and heavy-lift crane construction and installation work. While the vessels may be built in foreign shipyards, the workers on these vessels are hard-working Americans who only want to live and contribute to the economy in my community.

In conclusion, I urge DHS and CBP to withdraw the CBP Notice immediately, and should you desire to pursue this issue, that you start over with a the proper process under Notice and Comment rulemaking published in the Federal Register so that all affected companies and communities are able to provide their considered input and require CBP to conduct a full economic impact analysis of the effects of their proposal.

Sincerely,

  
Brian McMillion

Cc: The Honorable John Cornyn, U.S. Senator  
The Honorable Ted Cruz, U.S. Senator  
The Honorable Rick Miller, Member of Congress

**BURLEY, LISA**

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**From:** Shane Richard <[srichard@helixesg.com](mailto:srichard@helixesg.com)>  
**Sent:** Thursday, April 13, 2017 12:17 PM  
**To:** CBP-PUBLICATION RESPONSE  
**Subject:** Customs and Border Protection Notice of January 18, 2017 on the Jones Act  
**Attachments:** CBP Comment Letter.docx

Dear Secretary Kelly:

Please see the attached comments letter for your review in regards to the Jones Act Ruling Revocation. I ask that you please take into account the families and businesses that this revocation can/will effect.

Thank you for your time.

Kind Regards,

*Shane Richard*

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Shane Richard  
Sr Project Manager  
Helix Energy Solutions

Corporate Headquarters  
3505 W Sam Houston  
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Houston, Texas 77043

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*Life Saving Equipment Repair Co.*

*Serving the Oil and Gas Industry since 1961*

*105 Roderick Street*

*Morgan City, LA 70380*

*Tel: 985-384-7414*

*Fax: 985-384-7433*

*[www.lifesavingequipment.com](http://www.lifesavingequipment.com)*

*April 10, 2017*

Mr. Glen Vereb, Director  
Border Security and Trade Compliance  
US Customs and Border Protection

*Re: Request for expeditious implementation of the Proposed Modification and Revocation of Ruling Letters Related to Customs Application of the Jones Act.*

*Dear Mr. Vereb:*

*I am writing to express my support for Customs and Border Protection's above listed proposed modification and revocation of the Jones Act. The flawed letter rulings are not consistent with statutory requirements and have deeply hurt our economic opportunity for far too long. Following CBP's policy guidance is the fair thing to do.*

*Life Saving Equipment Repair Co. is based in Morgan City, Louisiana in two locations. We employ 14 people and serve as a supplier and service provider to Many U.S. maritime companies working in the offshore energy market.*

*The Jones Act was intended to support a vibrant U.S. Maritime industry. By correctly applying and enforcing the Jones Act, CBP will promote the entire chain of goods and services that are required to build, maintain, and operate U.S. ships. We do not build or operate ships, our company depends on the success of U.S. maritime companies.*

*We know the above statement to be true because we have seen proper enforcement of the Jones Act create and spur domestic investment and jobs. When CBP issued a similar notice in 2009, it signaled a change in the market place. Due to that notice, J.S. vessel operators invested in the creation of vessels required to complete the work covered by the notice. Our company participated in this effort and assisted in the creation of dozens of vessels that were constructed here in the United States. Our company is proof that the proper enforcement of the Jones Act creates investments in our U.S. economy.*

*Sincerely,*

*Charlene R. Gaddis*  
Charlene Roe Gaddis  
Owner





# SEACOR MARINE LLC

7910 Main Street, 2<sup>nd</sup> Floor, Houma, LA 70360

Tel : +1-985-876-5400 Fax : +1-985-876-5444

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April 12, 2017

Via email: [Response@cbp.dhs.gov](mailto:Response@cbp.dhs.gov)

Mr. Glen Vereb  
Director  
Border Security and Trade Compliance Division  
Office of Trade, Regulations and Rulings  
U.S. Customs and Border Protection

Re: The "Jones Act" and Proposed Modification and Revocation of Ruling Letters Related to Customs Application of the Jones Act to the Transportation of Certain Merchandise and Equipment between Coastwise Points

To Whom It May Concern:

SEACOR Marine LLC (SEACOR) is an offshore marine transportation provider with U.S. offices in Louisiana and Texas, and affiliates in Missouri, Alabama, Florida and New York as well as operations in every major offshore oil & gas region worldwide. The purpose of this letter is to express our support for CBP's proposed modification and revocation of Jones Act letter rulings and to urge CBP to expand interpretation to include decommissioning activities as well. We believe that ruling letters relevant to decommissioning of offshore structures must be revoked because they are inconsistent with the plain language of the Jones Act.

The Jones Act is a clear statute which explicitly prohibits any part of the transportation of "merchandise" between coastwise points except on U.S. flag, U.S. built and U.S. crewed vessels. Congress has defined the term "merchandise" as "goods, wares and chattels of every description, including merchandise the importation of which is prohibited."

Once an offshore oil & gas facility no longer economically produces hydrocarbons, the operator of the field is required under the terms of the lease it holds with the United States, as well as by specific regulations, to restore the sea-floor and the water surface by plugging and abandoning the well and removing the installation or facility. For these decommissioning activities, lift boats, barges, subsea construction/IRM and diving support vessels, offshore support vessels, and fast support/crewboats are utilized to perform the work. Lessees/Operators on the OCS are required to meet decommissioning obligations for "facilities" on the lease "as the obligations accrue and until each obligation is met," with "facilities" being defined by applicable regulations to mean "any installation other than a pipeline used for oil, gas or sulphur activities that is permanently or temporarily attached to the seabed on the OCS and include production and pipeline risers, templates, pilings and other facility or equipment that constitutes an obstruction such as jumper assemblies, termination skids, umbilicals, anchor and mooring lines." All of these items were unquestionably "merchandise" when transported and installed on the OCS and the Jones Act provides that only a vessel with a coastwise endorsement may transport merchandise between two points embraced by the coastwise laws of the United States. The "facilities" transported during decommissioning were attached to coastwise points while being used "for the purpose of exploring for,



developing ... or producing resources.” Once decommissioned, they remain merchandise, just as they were merchandise when first transported to the OCS point. The fact that they are no longer useful in their originally intended purpose does not affect their status as merchandise, because Congress specifically included “valueless material” within the statutory definition of merchandise for purposes of the Jones Act. The removal of a facility from the OCS point, its loading onto the deck of a vessel through the use of its crane and its transportation to a subsequent U.S. point, whether ashore or at another offshore coastwise point, is coastwise transportation of merchandise that may only be accomplished on a coastwise qualified vessel.

Given the U.S. government’s focus on decommissioning of OCS facilities, and in order to ensure that U.S. workers, companies and tax payers are not placed at a further disadvantage, SEACOR requests that CBP confirms that the transportation of decommissioned facilities, or any component part thereof, from their existing U.S. point to another U.S. point is coastwise transportation of merchandise by expeditiously revoking any prior letter rulings to the contrary, consistently with the plain language of the applicable statutes.

In addition to national security implications, the prior erroneous interpretations of the Jones Act worked to send American jobs to foreign shipbuilding and vessel owning interests, eliminating American jobs and American investment in the process. CBP’s recent actions serve to correct that dangerous path. CBPs implementation of the current proposed actions will result in higher American wages, additional American tax revenue, more American economic activity and heightened national security at a time when it is most needed – and is squarely in compliance with the law.

Sincerely,

**Robert M. Clemons**  
Vice President and Chief Operating Officer





Paul Doell  
National President

# American Maritime Officers

601 S. Federal Highway • Dania Beach, FL • 33004-4109  
(954) 921-2221 • Fax (954) 920-3257

ISO CERTIFIED

April 13, 2017

Mr. Glen Vereb  
Director  
Border Security and Trade Compliance Division  
Office of Trade, Regulations and Rulings  
U.S. Customs and Border Protection

**RE: Notice of Proposed Modification and Revocation of Ruling Letters Related to Customs Application of the Jones Act to the Transportation of Certain Merchandise and Equipment Between Coastwise Points**

Dear Director Vereb:

On behalf of the U.S. merchant marine officers I am privileged to represent, I ask respectfully that the record reflect our union's strong support of the above-captioned notice.

This proposed modification would align Customs and Border Protection interpretation of the Jones Act with the law's requirements, all of which have served our nation so well since the Jones Act was enacted as Section 27 of the Merchant Marine Act of 1920. I urge immediate application of this modification to hasten new private investment in maritime industries that promote U.S. national, economic and homeland security interests.

American Maritime Officers is the largest union of seagoing professionals licensed and vetted by the U.S. Coast Guard. The marine engineers and deck officers comprising the AMO membership serve aboard privately owned and operated U.S.-flag merchant vessels plying the U.S. coastlines and international trade routes, the Great Lakes and inland waterways. AMO members also serve aboard U.S. Navy Military Sealift Command and Maritime Administration military support ships under government contracts awarded to commercial U.S.-flag shipping companies through competitive bidding.

The diverse AMO fleet roster includes oil and petroleum product tankers, containerships, roll-on/roll-off ships, heavy-lift ships, combination container and RO/RO ships, cable ships, Great Lakes dry bulk cargo carriers, tugboats and tug-barges. Much of our work is in domestic service governed by the Jones Act.



The Jones Act already accounts for more than 500,000 private sector jobs nationwide and generates billions in federal, state and local tax revenues. The proposed modification and revocation of the ruling letters at issue would have a powerful multiplier effect on both economic benefit fronts.

More importantly in this increasingly unstable world, the Jones Act sustains essential defense resources at no cost to U.S. taxpayers.

Many Jones Act ships operating between U.S. coastal points can carry military cargoes to overseas war zones if the need arises, and an estimated 80 percent of the highly skilled, reliable and loyal civilian American merchant mariners who crew government-owned sealift ships during distant emergencies began their careers in Jones Act markets. Many officers and crewmembers aboard the 60 commercial U.S.-flag merchant ships providing defense services under the Maritime Security Program have at various times worked on vessels operating in domestic trades under the Jones Act.

The Jones Act also ensures continued U.S. defense shipbuilding capability — large shipyards that can meet the Navy's vessel construction, maintenance and repair requirements now thrive on the three deep-sea coasts.

In addition, the Jones Act enhances homeland security by ensuring that U.S. citizens staff all merchant vessels serving domestic deep-sea, Great Lakes and inland markets. The law raises no risk of illegal immigration or "ship jumping" in the U.S. by foreign nationals who may be aligned with or supportive of international terrorist networks.

The Jones Act sets a clear mandate: commercial waterborne cargoes moving between and among U.S. ports must be carried in vessels owned, documented, built and crewed in the United States. The law explicitly bars foreign-flag merchant vessels from providing "any part of the transportation of merchandise by water, or by land and water, between points in the United States to which the coastwise laws apply."

Moreover, the Jones Act does not allow Customs and Border Protection to modify the law's provisions through executive action — only Congress can approve exceptions to and waivers of specific Jones Act requirements.

Despite Jones Act clarity and consistently wise Congressional refusal to amend or repeal this domestic shipping law, the letter rulings addressed by the 2017 Notice have for years allowed foreign vessels to carry merchandise between U.S. points — specifically, in the Gulf of Mexico's offshore energy markets. Thus, these letter rulings should be revoked as proposed in the 2017 Notice.

The letter rulings in focus were issued by CBP without due consideration of the economic harm caused to all domestic maritime interests — which is why the proposed modification and revocation should be approved immediately to ease the consequences of lost employment and opportunity at sea and ashore and to spur new economic growth.



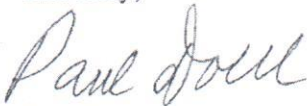
CBP has considered these issues for at least eight years — sufficient time to consider the legal merit of the proposed revocations carefully and completely.

The process provided for in the 2017 notice allows thoughtful and informed deliberation, as Congress intended with its standards for CBP revocation of a letter ruling. CBP is required to provide notice of its intent to revoke specific letter rulings and to allow public comment for at least 30 days. CBP must publish its final decision within 30 days of the close of the public comment period, and the final ruling becomes effective 60 days after its official distribution. As a federal appeals court has ruled, this is fair, reasonable and accommodating to all interests on either side of the issue.

The record here is clear — the Jones Act works as intended. The proposed modification would ensure that the law is followed as written. This, in turn, would reaffirm the Jones Act's time-tested value and strengthen its standing as an important expression of U.S. sovereignty.

Thank you for the opportunity to comment on this urgent issue. We in American Maritime Officers are available for answer any questions you may have.

Sincerely,



Paul Doell  
National President





MARCH 11, 2017

ALFRED GUILLOT

PRESIDENT/MANAGER

**AMELIA INDUSTRIAL MARINE SUPPLY COMPANY**  
10613 FRONTAGE RD \* P.O. BOX 347 \* AMELIA, LA 70340

TELEPHONE 985 / 631-3211 \* FAX 985 / 631-9615

Via email: [Response@cbp.dhs.gov](mailto:Response@cbp.dhs.gov)

ALFRED GUILLOT

PRESIDENT/MANAGER

Mr. Glen Vereb  
Director  
Border Security and Trade Compliance Division  
Office of Trade, Regulations and Rulings  
U.S. Customs and Border Protection

Re: **Request for expeditious implementation of the Proposed Modification and Revocation of Ruling Letters Related to Customs Application of the Jones Act to the Transportation of Certain Merchandise and Equipment between Coastwise Points**

Dear Mr. Vereb:

I am writing to express my strong support for Customs and Border Protection's (CBP)'s above-listed proposed modification and revocation of Jones Act letter rulings. These flawed letter rulings are inconsistent with statutory requirements and have constrained economic opportunity for U.S. companies and U.S. workers for too long. Aligning CBP's policy guidance with the law is the right thing to do.

*AimSCO* is based in *Amelia, La.* with facilities in *Louisiana* and employs over *5 employees* and we serve as a *supplier* to U.S. maritime companies working in the offshore energy market. Specifically, our company is engaged in marine supplies.

The Jones Act was intended to support a vibrant U.S. maritime industry. By correctly applying and enforcing the Jones Act, CBP will promote the entire supply chain of goods and services that are required to build, maintain, and operate U.S. ships. While we don't build or operate ships ourselves, our company



depends on the success U.S. maritime companies. CBP's initiative will result in more opportunities for companies like mine who depend on a strong U.S. maritime industry.

We know the above statement to be true because we have seen proper enforcement of the Jones Act create spur domestic investment and good-paying jobs. Specifically, when CBP issued a similar notice in 2009, it signaled a change in the market place. Due to that notice, U.S. vessel operators invested in the creation of vessels required to complete the work covered by the notice. Our company participated in this effort and assisted in the creation of dozens of vessels that were constructed or retrofitted here in the United States for these purposes. As a result, our company is proof that proper enforcement of the Jones Act creates investments in the U.S. economy.

Thank you for taking this corrective action.

Sincerely,

A handwritten signature in dark ink, consisting of a stylized first name and a last name, followed by a horizontal line extending to the right.

*Maritime Supplier Company*

Duclos Corporation

**GLADDING-HEARN**  
SHIPBUILDING

April 13, 2017

Via email: [Response@cbp.dhs.gov](mailto:Response@cbp.dhs.gov)

Mr. Glen Vereb  
Director  
Border Security and Trade Compliance Division  
Office of Trade, Regulations and Rulings  
U.S. Customs and Border Protection

Re: **Proposed Modification and Revocation of Ruling Letters Related to Customs Application of the Jones Act to the Transportation of Certain Merchandise and Equipment between Coastwise Points; Request for expeditious implementation of the proposal**

To Whom It May Concern:

Gladding-Hearn Shipbuilding, Duclos Corporation, located in Somerset, MA, builds medium sized commercial vessels of all types, for operation in North and South America. The company was formed in 1955 and currently employs about 150 highly skill workers and has more than 500 active suppliers. The purpose of this letter is to express our support for CBP's proposed modification and revocation of Jones Act letter rulings that are contrary to the statute.

The U.S. shipbuilding industry is vital to our country's national security interests, as well as the provision of meaningful employment to a highly skilled workforce, and the proper interpretation and enforcement of the Jones Act has a direct impact on our shipyard. Since inception, our shipyard has constructed 417 Jones Act qualified vessels and CBP's proposal encourages further investment in Jones Act compliant vessels, contrary to the chilling effect that CBP interpretations have had over the past many decades. The current CBP action, and correction of prior erroneous interpretations, is a welcomed development.

From its inception, the Jones Act has been a "Pro-American" statute, grounded firmly in a national defense policy of ensuring domestic shipbuilding and seafaring capacity, and in a national commercial policy of ensuring a strong domestic maritime industry. Our U.S. Congress explained it best in the Jones Act preamble, specifically: "[i]t is the policy of the United States to encourage and aid the development and maintenance of a merchant marine...sufficient to carry the waterborne domestic commerce. . .of the United States." U.S. Department of Defense ("DOD"), Navy, and U.S. Coast Guard officials are among the strongest supporters of the Jones

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Act for the contribution it makes to military sealift, all recognizing the critical importance of the statute.

In addition to national security, the prior erroneous interpretations of the Jones Act worked to send American jobs to foreign shipbuilding interests, eliminating tens of thousands of American jobs and billions of dollars of American investment in the process, and the CBP's recent actions serve to correct that path.

CBPs expeditious implementation of the current proposed actions will mean higher American wages, additional American tax revenue, more American economic activity and heightened national security at a time when it is most needed.

Very Truly Yours,



Peter J. Duclos  
President





**BEIER RADIO, L.L.C.**  
Established 1945



April 13, 2017

Via email: [cbppublicationresponse@cbp.dhs.gov](mailto:cbppublicationresponse@cbp.dhs.gov)

Mr. Glen Vereb  
Director  
Border Security and Trade Compliance Division  
Office of Trade, Regulations and Rulings  
U.S. Customs and Border Protection

Re: **Request for expeditious implementation of the Proposed Modification and Revocation of Ruling Letters Related to Customs Application of the Jones Act to the Transportation of Certain Merchandise and Equipment between Coastwise Points**

Dear Director Vereb:

I am writing to express my strong support for Customs and Border Protection's (CBP) above-listed proposed modification and revocation of Jones Act letter rulings (the "Notice"). These flawed letter rulings are inconsistent with statutory requirements and have constrained economic opportunity for U.S. companies and U.S. workers for too long. Aligning CBP's policy guidance with the law is the right thing to do and the method in which CBP is seeking revocation is the legally correct method for this endeavor.

Beier Integrated Systems is based in Mandeville, Louisiana with facilities in Louisiana and Mississippi and employs over sixty (60) and we serve as a supplier and service provider to U.S. maritime companies working in the offshore energy market. Specifically, our company is engaged in providing equipment, technology, service and training to the offshore marine industry.

The Jones Act was intended to support a vibrant U.S. maritime industry. By all accounts, the law works as intended. The Jones has created a robust domestic maritime industry and supply chain one that creates 500,000 jobs, \$100 billion in annual economic output, and \$29 billion annual in wages. In addition, the maritime industry provides \$10 billion in tax revenue to the federal government. Correctly applying and enforcing the Jones Act, will only amplify these benefits, resulting in more opportunities for companies like mine who depend on a strong U.S. maritime industry.

Additionally, we note that CBP is correct to revoke the letter rulings covered by the Notice via the process found at 19 U.S.C. 1625(c) ("Section 1625"). This process provides for a fair process while allowing revocation take place in an expedited fashion. The letter rulings were originally issued by CBP without any consideration of the economic harm they would cause to the domestic maritime community or businesses like ours. As a result, our industry has experienced decades of delayed shipbuilding in U.S. shipyards and lost employment of U.S. mariners.

As such, the consideration and comment that opponents of revocation have received under the current process, far exceeds absolute lack of due process provided when these letter rulings were issues. Thus, we believe the current process to be more than fair. It is also worth noting that the notice, comment, consideration, final notice process being utilized for the Notice is being conducted after CBP has considered this issue for eight years.

Not only is the Section 1625 process fair, it is also the legally designated process for revocation of letter rulings. Congress has mandated by statute a unique process for CPB's revocation of a letter ruling under Section 1625. Specifically, under this statute, CBP must give notice in the *Customs Bulletin* of its intent to revoke and provide at least 30 days opportunity for comment by the public. Subsequently, CBP must publish its final decision within 30

Beier Radio, L.L.C.

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Fax # 504-341-1142



**BEIER RADIO, L.L.C.**  
Established 1945



days of the close of the comment period. This final ruling or decision "shall" become effective 60 days after the date of its publication.

The U.S. Court of Appeals for the Federal Circuit has confirmed that 19 U.S.C. § 1625 is the proper procedure for revoking prior letter rulings. Specifically, the court state in a case (*California Indus. Prods. v. United States*, 436 F. 3d 1341, 1356 (Fed. Cir. 2006)) containing a similar context:

The government argues that the interpretation of "substantially identical transactions" in section 1625(c) adopted by the Court of International Trade conflicts with the Secretary's power to promulgate binding regulations. Under such an interpretation, the government states, the Secretary will be forced to follow "treatments" established by what it terms "aberrant decisions" of Customs officers. We do not agree... contrary to the government's argument, the interpretation of "substantially identical transactions" that we think is correct does not limit the Secretary's authority to change a prior "treatment." It simply requires that the Secretary utilize notice and comment procedures under 19 U.S.C. § 1625(c) before doing so.

Considering the above information, CBP's Notice ensures that the law is followed as written, will promote the U.S. industrial base as intended by the Jones Act, was completed after thoughtful consideration and provides ample amount for comments from all impacted parties, and was conducted under the legally prescribed process. As such, our company strongly supports the Notice and urges CBP to implement this notice in an expedited manner.

We thank you for your thoughtful consideration of this request and stand ready to answer any questions you may have.

Thank you for taking this corrective action.

Sincerely,

  
Ben Todd  
Vice President and COO  
Beier Integrated Systems  
Phone: 504-341-0123  
Cell: 985 237 0106  
[ben@beierradio.com](mailto:ben@beierradio.com)





## Martin Quarters, LLC.

18104 West Main Street • Galliano, LA 70354 • PH (985) 632-2727 • FAX (985) 632-4481

April 13, 2017

Via email: [cbppublicationresponse@cbp.dhs.gov](mailto:cbppublicationresponse@cbp.dhs.gov)

Mr. Glen Vereb  
Director  
Border Security and Trade Compliance Division  
Office of Trade, Regulations and Rulings  
U.S. Customs and Border Protection

Re: **Request for expeditious implementation of the Proposed Modification and Revocation of Ruling Letters Related to Customs Application of the Jones Act to the Transportation of Certain Merchandise and Equipment between Coastwise Points**

Dear Mr. Vereb:

I am writing to express my strong support for Customs and Border Protection's (CBP)'s above-listed proposed modification and revocation of Jones Act letter rulings. These flawed letter rulings are inconsistent with statutory requirements and have constrained economic opportunity for U.S. companies and U.S. workers for too long. Aligning CBP's policy guidance with the law is the right thing to do.

Martin Quarters, LLC. is based in Galliano, Louisiana, we employ over eighty (80) employees and we serve as a Portable Accommodations Modules Provider to U.S. maritime companies working in the offshore energy market. Specifically, our company is engaged in rental of portable accommodations modules.

The Jones Act was intended to support a vibrant U.S. maritime industry. By correctly applying and enforcing the Jones Act, CBP will promote the entire supply chain of goods and services that are required to build, maintain, and operate U.S. ships. While we don't build or operate ships ourselves, our company depends on the success U.S. maritime companies. CBP's initiative will result in more opportunities for companies like mine who depend on a strong U.S. maritime industry.

We know the above statement to be true because we have seen proper enforcement of the Jones Act create spur domestic investment and good-paying jobs. Specifically, when CBP issued a similar notice in 2009, it signaled a change in the market place. Due to that notice, U.S. vessel operators invested in the creation of vessels required to complete the work covered by the notice. Our company participated in this effort and assisted in the creation of dozens of vessels that were constructed or retrofitted here in the United States for these purposes. As a result, our company is proof that proper enforcement of the Jones Act creates investments in the U.S. economy.

Thank you for taking this corrective action.

Sincerely,

Jimmie Beau Martin  
Martin Quarters, LLC.





## Martin Quarters, LLC.

18104 West Main Street • Galliano, LA 70354 • PH (985) 632-2727 • FAX (985) 632-4481

April 13, 2017

Via email: [cbppublicationresponse@cbp.dhs.gov](mailto:cbppublicationresponse@cbp.dhs.gov)

Mr. Glen Vereb  
Director  
Border Security and Trade Compliance Division  
Office of Trade, Regulations and Rulings  
U.S. Customs and Border Protection

Re: **Request for expeditious implementation of the Proposed Modification and Revocation of Ruling Letters Related to Customs Application of the Jones Act to the Transportation of Certain Merchandise and Equipment between Coastwise Points**

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Thank you for taking this corrective action.

Sincerely,

Jimmie Beau Martin  
Martin Quarters, LLC.

**BURLEY, LISA**

---

**From:** Harold Floore <tidemarine@aol.com>  
**Sent:** Thursday, April 13, 2017 1:26 PM  
**To:** CBP-PUBLICATION RESPONSE  
**Subject:** TIDE MARINE SUPPLY CO.  
**Attachments:** TIDE MARINE SUPPLY CO..pdf

Sent from my iPad



TIDE MARINE SUPPLY CO  
PO Box 535  
Bayou La Batre, Al. 36509  
251-824-7422  
Tidemarine@aol.com

Mr Glenn Vereb  
Director  
Border Security and Trade Compliance Division  
Office of Trade, Regulations and Ruling  
U.S. Custom and Border Protection

Re: Request for expeditious implementation of the Proposed Modification and Revocation  
of Ruling Letters Related to Customs Application of the Jones Act to the  
Transportation of Certain Merchandise and Equipment between Coastwise Points.

Dear Mr. Vereb:

I am writing to express my strong support for Customs and Border Protection's (CBP)'s above-listed proposal modification and revocation of Jones Act letter rulings. These flawed letter ruling are inconsistent with statutory requirements and have constrained economic opportunity for U.S. companies and U.S. Workers for too long. Aligning CBP's policy guidance with the law is the right thing to do.

Tide Marine Supply Co. is based in Bayou La Batre and employs over 20 employees and we serve as a supplier to U.S. Maritime companies working in the offshore energy market. Specifically, our company is engaged in supplying goods, materials, and products to offshore supply boats and platforms.

The Jones Act was intended to support a vibrant U.S. maritime industry. By correctly applying and enforcing the Jones Act, CBP will promote the entire supply chain of goods and services that are required to build, maintain, and operate U.S. Ships. While we don't build or operate ships ourselves, our company depends on the success U.S. maritime



companies. CBP's initiative will result in more opportunities for companies like mine who depend on a strong U.S. maritime industry.

We know the above statement to be true because we have seen proper enforcement of the Jones Act create spur domestic investment and good paying jobs. Specifically, when CBP issued a similar notice in 2009, it signaled a change in the market place. Due to that notice, U.S. vessel operators invested in the creation of vessels required to complete the work covered by the notice. Our company participated in this effort and assisted in the creation of dozens of vessels that were constructed or retrofitted here in the United States for these purposes. As a result, our company is proof that proper enforcement of the Jones Act creates investments in the U.S. economy.

Thank You for taking this corrective action.

Kindest Regards

Harold Floore  
President  
Tide Marine Supply Co.  
Bayou La Batre, Al.

Jo Ann Stevenson  
4623 Kingussie Drive  
Houston, TX 77084

April 13, 2017

The Honorable John F. Kelly  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Re: Customs and Border Protection Notice of January 18, 2017 on the Jones Act

Dear Secretary Kelly:

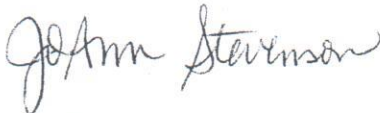
I understand that U.S. Customs and Border Protection ("CBP") has issued a Notice through what is known as its *Customs Bulletin* ruling revocation process which if implemented would overturn 40 years of precedent with respect to the application of the Jones Act to vessels and offshore facilities working in the Gulf of Mexico. This ruling, rushed into print two days before President Trump was inaugurated, will have a substantial detrimental effect on jobs and workers in my community, including me. For this reason, I am requesting that you withdraw this ruling because of the huge negative economic impacts on my family, my community and the State of Texas.

There are a number of companies in Houston -- including the company I work for -- that rely on highly specialized work to support the oil and gas industry in the Gulf of Mexico. These are American companies employing American workers and paying U.S. federal and state taxes. If the CBP ruling were allowed to go into effect, these companies would have to move out of my state (or leave the U.S.) and go where they can find jobs. This would not only have a negative economic effect on my city, state and my personal income, but it would also have a negative economic effect on the U.S. and the President's goals for energy independence.

The companies in my industry own, operate and invest their own resources in very large vessels that conduct highly specialized activities to support offshore oil and gas projects, including pipe-laying, cable-laying, diving support and heavy-lift crane construction and installation work. While the vessels may be built in foreign shipyards, the workers on these vessels are hard-working Americans who only want to live and contribute to the economy in my community.

In conclusion, I urge DHS and CBP to withdraw the CBP Notice immediately, and should you desire to pursue this issue, that you start over with a the proper process under Notice and Comment rulemaking published in the Federal Register so that all affected companies and communities are able to provide their considered input and require CBP to conduct a full economic impact analysis of the effects of their proposal.

Sincerely,



Jo Ann Stevenson

cc: The Honorable John Cornyn, U.S. Senator  
The Honorable Ted Cruz, U.S. Senator

April 12, 2017

The Honorable John F. Kelly  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Secretary Kelly:

Re: Customs and Border Protection Notice of January 18, 2017 on the Jones Act

It has been brought to my attention that U.S. Customs and Border Protection ("CBP") has issued a Notice through what is known as its *Customs Bulletin* ruling revocation process which if implemented would overturn 40 years of precedent with respect to the application of the Jones Act to vessels and offshore facilities working in the Gulf of Mexico ("GOM"). This ruling, rushed into print two days before President Trump was inaugurated, will have a substantial detrimental effect on jobs and workers in my community. For this reason, I am requesting that you withdraw this ruling because of the huge negative economic impacts on my family, my community and the State of Texas.

There are a number of companies in Houston that rely on highly specialized work to support the oil and gas industry in the GOM. These are American companies employing American workers and paying U.S. federal and state taxes. If the CBP ruling were allowed to go into effect, these companies would have to move out of my district/port/state and go where they can find jobs. This would not only have a negative economic effect on my city but it would also have a negative economic effect on the U.S. and the President's goals for energy independence.

The companies in my community own, operate and invest their own resources in very large vessels that conduct highly specialized activities to support offshore oil and gas projects, including pipe-laying, cable-laying, diving support and heavy-lift crane construction and installation work. While the vessels may be built in foreign shipyards, the workers on these vessels are hard-working Americans who only want to live and contribute to the economy in my community.

In conclusion, I urge DHS and CBP to withdraw the CBP Notice immediately, and should you desire to pursue this issue, that you start over with a the proper process under Notice and Comment rulemaking published in the Federal Register so that all affected companies and communities are able to provide their considered input and require CBP to conduct a full economic impact analysis of the effects of their proposal.

Sincerely,

Laura Butler

Cc: The Honorable John Cornyn, U.S. Senator  
The Honorable Ted Cruz, U.S. Senator  
The Honorable Pete Olson, Member of Congress





**PELICAN**  
**MARINE DESIGN**

*Naval Architects & Marine Engineers*

April 13, 2017

Via e-mail: [cbppublicationresponse@cbp.dhs.gov](mailto:cbppublicationresponse@cbp.dhs.gov)

Mr. Glen Vereb  
Director  
Border Security and Trade Compliance Division  
Office of Trade, Regulations and Rulings  
U.S. Customs and Border Protection

**Re: Request for expeditious implementation of the Proposed Modification and  
Revocation of Ruling Letters Related to Customs Application of the Jones Act to the  
Transportation of Certain Merchandise and Equipment between Coastwise Points**

Dear Mr. Vereb:

I am writing to express my strong support for Customs and Border Protection's (CBP's) above-listed proposed modification and revocation of Jones Act letter rulings. Those flawed letter rulings are inconsistent with statutory requirements and have constrained economic opportunity for U.S. companies and U.S. workers for too long. Aligning CBP's policy guidance with the law is the right thing to do.

Our company, Pelican Marine Design, LLC, is a small business based in Louisiana and we serve as an engineering services provider to multiple U.S. maritime companies working in the offshore energy market. Specifically, our company is engaged in naval architecture and marine engineering which is, essentially, the design and engineering of ships, boats and offshore structures.



**PELICAN  
MARINE DESIGN**

*Naval Architects & Marine Engineers*

The Jones Act was intended to support a vibrant U.S. maritime industry. By correctly applying and enforcing the Jones Act, CBP will promote the entire supply chain of goods and services that are required to build, maintain, and operate U.S. ships. Although we do not build or operate ships ourselves, our company depends on the success U.S. maritime companies. CBP's initiative will result in more opportunities for companies like ours who depend on a strong U.S. maritime industry.

We know the above statement to be true because we have seen proper enforcement of the Jones Act spur domestic investment and good-paying jobs. Specifically, when CBP issued a similar notice in 2009, it signaled a change in the market place. Due to that notice, U.S. vessel operators invested in the creation of vessels required to complete the work covered by the notice. Our company participated in this effort and assisted in the creation of dozens of vessels that were constructed or retrofitted here in the United States for these purposes. As a result, our company is proof that proper enforcement of the Jones Act creates investments in the U.S. economy.

Thank you for taking this corrective action.

Sincerely,

William D. Scherer, P.E.